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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,646

06/26/2006

Stefan Basler

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07/24/2008

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EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

07/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **DETAILED ACTION**

1. This application is a national stage entry (371) of PCT/EP04/13505, filed November 26, 2004.
2. Claims 1-9 are currently pending.

#### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 6, 8 & 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Park (US 6,747,931).

In regard to claim 1, Park discloses an apparatus (Figure 2) for reading from and/or writing to at least a first (Figure 8: DVD) and a second (Figure 8: CD) type of optical recording media, including: a) means for performing a focus search cycle (abstract, line 3) for the first type of optical recording medium, the means being adapted to provide a focus error signal and a data

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signal (abstract, lines 7-8), b) means for comparing the focus error signal and the data signal to respective thresholds and for emitting a signal indicative of the presence of an optical recording medium (abstract, lines 18-19), c) means for detecting a focal zero crossing (abstract, line 19) based on the focus error signal (FE), and d) means for adapting settings to an operation mode for the second type of optical recording medium in case the data signal does not have a given relation to the respective threshold near the focal zero crossing (see Figure 9B, steps 913, 914, etc.).

Claim 6 has similar limitations as claim 1; thus, it is rejected on the same grounds.

In regard to claim 8, Park discloses using an algorithm in order to distinguish between the types of optical recording media based on the signal relationship (see Figure 9B).

In regard to claim 9, Park discloses that the algorithm is designed to perform calculations resulting in distinguishing between the types of optical recording media in a single focus search cycle (as shown in Figure 9B).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Yonekubo et al. (US 4,750,152).

For a description of Park, see the rejection above. However, Park does not explicitly disclose: in regard to claim 4, a first amplifier for a servo path signal and a second amplifier for a data path signal.

Yonekubo et al. disclose: in regard to claim 4, a first amplifier for a servo path signal and a second amplifier for a data path signal (see column 6, lines 3-6). It would have been obvious to one of ordinary skill in the art at the time of invention to have applied this teaching of Yonekubo et al. to the apparatus of Park, the motivation being to improve/reduce error rate (column 6, lines 8-9).

***Allowable Subject Matter***

9. Claims 2, 3, 5 & 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record alone or in combination fails to teach or suggest:

in claim 2, an apparatus for reading from and/or writing to at least a first and a second type of optical recording media, including: a) means for performing a focus search cycle for the first type of optical recording medium, the means being adapted to provide a focus error signal and a data signal, b) means for comparing the focus error signal and the data signal to respective thresholds and for emitting a signal indicative of the presence of an optical recording medium, c) means for detecting a focal zero crossing based on the focus error signal (FE), and d) means for adapting settings to an operation mode for the second type of optical recording medium in case the data signal does not

have a given relation to the respective threshold near the focal zero crossing, wherein the first type of optical recording medium to be distinguished is a high-reflectivity medium and the second type of optical recording medium is a low-reflectivity medium.

Claims 3 & 5 are dependent upon claim 2.

Claim 7 has similar allowable features as claim 2.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujisawa et al. (US 5,418,766) disclose an apparatus for detecting the presence of an optical disk wherein it is determined whether or not an optical disk is loaded by judging a presence of a zero-cross signal at the time when a focusing is performed.

Hwang (US 6,061,318) discloses a method for discriminating a type of a disc which includes performing a focus servo operation, using a focus zero cross (FZC) signal which is detected from the focus error signal obtained in the focus-down state during performing the focus search operation for the loaded optical disc.

Horita (US 6,469,965) discloses monitoring a focus zero-crossing signal in order to obtain a timing to perform the focus servo pull-in upon focus searching, and supplying a focus error signal to a comparator, which compares the focus error signal with a reference voltage to generate the focus zero-crossing signal.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Agustin whose telephone number is (571) 272-7567. The examiner can normally be reached on Monday-Thursday 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Vincent Agustin/  
Patent Examiner, Art Unit 2627

<b>Office Action Summary</b>	<b>Application No.</b> 10/584,646	<b>Applicant(s)</b> BASLER, STEFAN	
	<b>Examiner</b> Peter Agustin	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 2,3,5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

<b>Notice of References Cited</b>	Application/Control No. 10/584,646		Applicant(s)/Patent Under Reexamination BASLER, STEFAN	
	Examiner Peter Agustin		Art Unit 2627	Page 1 of 1

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,747,931	06-2004	Park, Sang-On	369/53.23
*	B	US-4,750,152	06-1988	Yonekubo et al.	369/44.24
*	C	US-5,418,766	05-1995	Fujisawa et al.	369/53.23
*	D	US-6,061,318	05-2000	Hwang, In-Wook	369/53.23
*	E	US-6,469,965	10-2002	Horita, Masayuki	369/53.2
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

#### FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

#### NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



**Search Notes**

Application/Control No.

10/584,646

Examiner

Peter Agustin

Applicant(s)/Patent under  
Reexamination

BASLER, STEFAN

Art Unit

2627

**SEARCHED**

Class	Subclass	Date	Examiner

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
369/53.2-53.24 - text search only see attached EAST search	6/5/2008	PVA